



General Assembly

February Session, 2014

***Raised Bill No. 462***

LCO No. 2534



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING CIVIL RESTRAINING AND PROTECTIVE ORDERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 46b-15 of the 2014 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2014*):

4 (b) The application form shall allow the applicant, at the applicant's  
5 option, to indicate whether the respondent holds a permit to carry a  
6 pistol or revolver or possesses one or more firearms or ammunition.  
7 The application shall be accompanied by an affidavit made under oath  
8 which includes a brief statement of the conditions from which relief is  
9 sought. Upon receipt of the application the court shall order that a  
10 hearing on the application be held not later than fourteen days from  
11 the date of the order. The court, in its discretion, may make such  
12 orders as it deems appropriate for the protection of the applicant and  
13 such dependent children or other persons as the court sees fit. In  
14 making such orders, the court, in its discretion, may consider relevant  
15 court records if the records are available to the public from a clerk of

16 the Superior Court or on the Judicial Branch's Internet web site. Such  
17 orders may include temporary child custody or visitation rights, and  
18 such relief may include, but is not limited to, an order: [enjoining] (1)  
19 Enjoining the respondent from [(1)] (A) imposing any restraint upon  
20 the person or liberty of the applicant, [; (2)] (B) threatening, harassing,  
21 assaulting, molesting, sexually assaulting or attacking the applicant, [;  
22 or (3)] (C) entering the family dwelling or the dwelling of the  
23 applicant, (D) until a hearing is held on the application, taking any  
24 action that could result in the termination of utility services or other  
25 necessary services related to the family dwelling or the dwelling of the  
26 applicant, (E) until a hearing is held on the application, taking any  
27 action that could result in the cancellation, change of coverage or  
28 change of beneficiary of any health, automobile or homeowners  
29 insurance policy to the detriment of the applicant or dependent  
30 children of the applicant and respondent, or (F) transferring,  
31 encumbering, concealing or disposing of specified property owned or  
32 leased by the applicant or respondent; (2) that provides the applicant  
33 or respondent with temporary possession of specified personal  
34 property, including, but not limited to, an automobile, checkbook,  
35 documentation of health, automobile or homeowners insurance, a  
36 document needed for purposes of proving identity, a key or other  
37 personal effects; or (3) in any matter in which the respondent has the  
38 legal duty to do so and the ability to pay and if necessary to maintain  
39 the safety or basic needs of the applicant or dependent children of the  
40 applicant and respondent, that the respondent, for a period of time not  
41 to exceed one hundred twenty days, (A) make rent or mortgage  
42 payments on the family dwelling or the dwelling of the applicant, (B)  
43 maintain utility services or other necessary services for the family  
44 dwelling or the dwelling of the applicant, (C) maintain all existing  
45 health, automobile or homeowners insurance coverage without change  
46 in coverage or beneficiary designation, or (D) provide any other  
47 financial support to the applicant or dependent children of the  
48 applicant and respondent. Such order may include provisions  
49 necessary to protect any animal owned or kept by the applicant

50 including, but not limited to, an order enjoining the respondent from  
 51 injuring or threatening to injure such animal. If an applicant alleges an  
 52 immediate and present physical danger to the applicant, the court may  
 53 issue an ex parte order granting such relief as it deems appropriate,  
 54 except that such ex parte order shall not include the relief set forth in  
 55 subdivision (3) of this subsection. If a postponement of a hearing on  
 56 the application is requested by either party and granted, the ex parte  
 57 order shall not be continued except upon agreement of the parties or  
 58 by order of the court for good cause shown. If a hearing on the  
 59 application is scheduled or an ex parte order is granted and the court is  
 60 closed on the scheduled hearing date, the hearing shall be held on the  
 61 next day the court is open and any such ex parte order shall remain in  
 62 effect until the date of such hearing.

63 Sec. 2. Subsection (c) of section 46b-15 of the 2014 supplement to the  
 64 general statutes is repealed and the following is substituted in lieu  
 65 thereof (*Effective October 1, 2014*):

66 (c) Every order of the court made in accordance with this section  
 67 shall contain the following language: (1) "This order may be extended  
 68 by the court beyond one year. In accordance with section 53a-107,  
 69 entering or remaining in a building or any other premises in violation  
 70 of this order constitutes criminal trespass in the first degree. This is a  
 71 criminal offense punishable by a term of imprisonment of not more  
 72 than one year, a fine of not more than two thousand dollars or both.";  
 73 and (2) "In accordance with section 53a-223b of the Connecticut general  
 74 statutes, any violation of subparagraph (A) or (B) of subdivision (2) of  
 75 subsection (a) of section 53a-223b constitutes criminal violation of a  
 76 restraining order which is punishable by a term of imprisonment of  
 77 not more than five years, a fine of not more than five thousand dollars,  
 78 or both. Additionally, any violation of subparagraph (C) or (D) of  
 79 subdivision (2) of subsection (a) of section 53a-223b constitutes  
 80 criminal violation of a restraining order which is punishable by a term  
 81 of imprisonment of not more than ten years, a fine of not more than ten  
 82 thousand dollars, or both."

83       Sec. 3. (*Effective from passage*) (a) There is established a task force to  
84       study service of restraining orders issued pursuant to section 46b-15 of  
85       the general statutes, as amended by this act. Such study shall include,  
86       but not be limited to, an examination of: (1) Policies, procedures and  
87       regulations relating to the service of such restraining orders by state  
88       marshals, including any policies, procedures or regulations relating to  
89       the methods by which a state marshal is initially notified of the need to  
90       effectuate service of a restraining order; (2) the length of time available  
91       to effectuate service of a restraining order; (3) the permissible methods  
92       of service; (4) the effectiveness of the respondent profile information  
93       sheet and marshal access to databases containing identifiable  
94       respondent information; (5) reimbursement rates for service of  
95       restraining orders, including an assessment of reimbursement rates  
96       used in other states; (6) best practices established by other states, if  
97       any, with respect to service of restraining orders; and (7) the feasibility  
98       of expanding which persons shall be authorized to serve restraining  
99       orders.

100       (b) The task force shall consist of the following members:

101       (1) Two appointed by the president pro tempore of the Senate, one  
102       of whom shall be a representative of the Connecticut Coalition Against  
103       Domestic Violence and one of whom shall be a representative of the  
104       office of the Chief State's Attorney;

105       (2) Two appointed by the speaker of the House of Representatives,  
106       one of whom shall be a representative of the Speaker's Task Force on  
107       Domestic Violence and one of whom shall be a victim of domestic  
108       violence;

109       (3) Two appointed by the majority leader of the Senate, one of  
110       whom shall be a representative of the State Marshal Commission and  
111       one of whom serves as an advocate for victims of domestic violence;

112       (4) Two appointed by the majority leader of the House of  
113       Representatives, one of whom shall be a representative of the state

114 police force and one of whom serves as a state marshal;

115 (5) Two appointed by the minority leader of the Senate, one of  
116 whom shall be a representative of the Connecticut Police Chiefs  
117 Association and one of whom shall be a representative of the Office of  
118 the Chief Public Defender;

119 (6) Two appointed by the minority leader of the House of  
120 Representatives, one of whom shall be a representative of the legal aid  
121 assistance programs in the state and one of whom serves as a state  
122 marshal;

123 (7) Two appointed by the Governor, one of whom shall be a  
124 representative of the Connecticut Police Chiefs Association and one of  
125 whom shall be a representative of the Office of the Victim Advocate;  
126 and

127 (8) Two appointed by the Chief Court Administrator, one of whom  
128 shall be a judge of the Superior Court assigned to hear civil matters  
129 and one of whom shall be an employee of the Judicial Branch whose  
130 duties concern the operations of the Superior Court.

131 (c) All appointments to the task force shall be made not later than  
132 thirty days after the effective date of this section. Any vacancy shall be  
133 filled by the appointing authority.

134 (d) The speaker of the House of Representatives and the president  
135 pro tempore of the Senate shall select the chairpersons of the task force  
136 from among the members of the task force. Such chairpersons shall  
137 schedule the first meeting of the task force, which shall be held not  
138 later than sixty days after the effective date of this section.

139 (e) The administrative staff of the joint standing committee of the  
140 General Assembly having cognizance of matters relating to the  
141 judiciary shall serve as administrative staff of the task force.

142 (f) Not later than December 15, 2014, the task force shall submit a

143 report on its findings and recommendations to the joint standing  
144 committee of the General Assembly having cognizance of matters  
145 relating to the judiciary, in accordance with the provisions of section  
146 11-4a of the general statutes. The task force shall terminate on the date  
147 that it submits such report or December 15, 2014, whichever is later.

148 Sec. 4. Section 53a-223 of the general statutes is repealed and the  
149 following is substituted in lieu thereof (*Effective October 1, 2014*):

150 (a) A person is guilty of criminal violation of a protective order  
151 when an order issued pursuant to subsection (e) of section 46b-38c, as  
152 amended by this act, or section 54-1k, as amended by this act, or 54-  
153 82r, as amended by this act, has been issued against such person, and  
154 such person violates such order.

155 (b) No person who is listed as a protected person in such protective  
156 order may be criminally liable for (1) soliciting, requesting,  
157 commanding, importuning or intentionally aiding in the violation of  
158 the protective order pursuant to subsection (a) of section 53a-8, or (2)  
159 conspiracy to violate such protective order pursuant to section 53a-48.

160 (c) Criminal violation of a protective order is a class D felony, except  
161 that any violation of a protective order that involves (1) imposing any  
162 restraint upon the person or liberty of a person in violation of the  
163 protective order, or (2) threatening, harassing, assaulting, molesting,  
164 sexually assaulting or attacking a person in violation of the protective  
165 order is a class C felony.

166 Sec. 5. Section 53a-223a of the general statutes is repealed and the  
167 following is substituted in lieu thereof (*Effective October 1, 2014*):

168 (a) A person is guilty of criminal violation of a standing criminal  
169 protective order when an order issued pursuant to subsection (a) of  
170 section 53a-40e has been issued against such person, and such person  
171 violates such order.

172 (b) No person who is listed as a protected person in such standing  
173 criminal protective order may be criminally liable for (1) soliciting,  
174 requesting, commanding, importuning or intentionally aiding in the  
175 violation of the standing criminal protective order pursuant to  
176 subsection (a) of section 53a-8, or (2) conspiracy to violate such  
177 standing criminal protective order pursuant to section 53a-48.

178 (c) Criminal violation of a standing criminal protective order is a  
179 class D felony, except that any violation that involves (1) imposing any  
180 restraint upon the person or liberty of a person in violation of the  
181 standing criminal protective order, or (2) threatening, harassing,  
182 assaulting, molesting, sexually assaulting or attacking a person in  
183 violation of the standing criminal protective order is a class C felony.

184 Sec. 6. Section 53a-223b of the general statutes is repealed and the  
185 following is substituted in lieu thereof (*Effective October 1, 2014*):

186 (a) A person is guilty of criminal violation of a restraining order  
187 when (1) (A) a restraining order has been issued against such person  
188 pursuant to section 46b-15, as amended by this act, or (B) a foreign  
189 order of protection, as defined in section 46b-15a, has been issued  
190 against such person in a case involving the use, attempted use or  
191 threatened use of physical force against another, and (2) such person,  
192 having knowledge of the terms of the order, (A) does not stay away  
193 from a person or place in violation of the order, (B) contacts a person in  
194 violation of the order, (C) imposes any restraint upon the person or  
195 liberty of a person in violation of the order, or (D) threatens, harasses,  
196 assaults, molests, sexually assaults or attacks a person in violation of  
197 the order.

198 (b) No person who is listed as a protected person in such restraining  
199 order or foreign order of protection may be criminally liable for (1)  
200 soliciting, requesting, commanding, importuning or intentionally  
201 aiding in the violation of the restraining order or foreign order of  
202 protection pursuant to subsection (a) of section 53a-8, or (2) conspiracy

203 to violate such restraining order or foreign order of protection  
204 pursuant to section 53a-48.

205 (c) [Criminal] (1) Except as provided in subdivision (2) of this  
206 subsection, criminal violation of a restraining order is a class D felony.

207 (2) Criminal violation of a restraining order is a class C felony, if the  
208 offense is a violation of subparagraph (C) or (D) of subdivision (2) of  
209 subsection (a) of this section.

210 Sec. 7. Subsection (e) of section 46b-38c of the 2014 supplement to  
211 the general statutes is repealed and the following is substituted in lieu  
212 thereof (*Effective October 1, 2014*):

213 (e) A protective order issued under this section may include  
214 provisions necessary to protect the victim from threats, harassment,  
215 injury or intimidation by the defendant, including, but not limited to,  
216 an order enjoining the defendant from (1) imposing any restraint upon  
217 the person or liberty of the victim, (2) threatening, harassing,  
218 assaulting, molesting or sexually assaulting the victim, or (3) entering  
219 the family dwelling or the dwelling of the victim. A protective order  
220 issued under this section may include provisions necessary to protect  
221 any animal owned or kept by the victim including, but not limited to,  
222 an order enjoining the defendant from injuring or threatening to injure  
223 such animal. Such order shall be made a condition of the bail or release  
224 of the defendant and shall contain the following notification: "In  
225 accordance with section 53a-223 of the Connecticut general statutes,  
226 any violation of this order constitutes criminal violation of a protective  
227 order which is punishable by a term of imprisonment of not more than  
228 [five] ten years, a fine of not more than [five] ten thousand dollars, or  
229 both. Additionally, in accordance with section 53a-107 of the  
230 Connecticut general statutes, entering or remaining in a building or  
231 any other premises in violation of this order constitutes criminal  
232 trespass in the first degree which is punishable by a term of  
233 imprisonment of not more than one year, a fine of not more than two



234 thousand dollars, or both. Violation of this order also violates a  
235 condition of your bail or release, and may result in raising the amount  
236 of bail or revoking release." Every order of the court made in  
237 accordance with this section after notice and hearing shall be  
238 accompanied by a notification that is consistent with the full faith and  
239 credit provisions set forth in 18 USC 2265(a), as amended from time to  
240 time. The information contained in and concerning the issuance of any  
241 protective order issued under this section shall be entered in the  
242 registry of protective orders pursuant to section 51-5c.

243 Sec. 8. Subsection (b) of section 54-1k of the general statutes is  
244 repealed and the following is substituted in lieu thereof (*Effective*  
245 *October 1, 2014*):

246 (b) A protective order issued under this section may include  
247 provisions necessary to protect the victim from threats, harassment,  
248 injury or intimidation by the defendant, including but not limited to,  
249 an order enjoining the defendant from (1) imposing any restraint upon  
250 the person or liberty of the victim, (2) threatening, harassing,  
251 assaulting, molesting or sexually assaulting the victim, or (3) entering  
252 the dwelling of the victim. A protective order issued under this section  
253 may include provisions necessary to protect any animal owned or kept  
254 by the victim including, but not limited to, an order enjoining the  
255 defendant from injuring or threatening to injure such animal. Such  
256 order shall be made a condition of the bail or release of the defendant  
257 and shall contain the following language: "In accordance with section  
258 53a-223 of the Connecticut general statutes, any violation of this order  
259 constitutes criminal violation of a protective order which is punishable  
260 by a term of imprisonment of not more than [five] ten years, a fine of  
261 not more than [five] ten thousand dollars, or both. Additionally, in  
262 accordance with section 53a-107 of the Connecticut general statutes,  
263 entering or remaining in a building or any other premises in violation  
264 of this order constitutes criminal trespass in the first degree which is  
265 punishable by a term of imprisonment of not more than one year, a  
266 fine of not more than two thousand dollars, or both. Violation of this

267 order also violates a condition of your bail or release and may result in  
268 raising the amount of bail or revoking release."

269 Sec. 9. Subsection (b) of section 54-82r of the general statutes is  
270 repealed and the following is substituted in lieu thereof (*Effective*  
271 *October 1, 2014*):

272 (b) A protective order shall set forth the reasons for the issuance of  
273 such order, be specific in terms and describe in reasonable detail, and  
274 not by reference to the complaint or other document, the act or acts  
275 being restrained. A protective order issued under this section may  
276 include provisions necessary to protect the witness from threats,  
277 harassment, injury or intimidation by the adverse party including, but  
278 not limited to, enjoining the adverse party from (1) imposing any  
279 restraint upon the person or liberty of the witness, (2) threatening,  
280 harassing, assaulting, molesting or sexually assaulting the witness, or  
281 (3) entering the dwelling of the witness. Such order shall contain the  
282 following language: "In accordance with section 53a-223 of the  
283 Connecticut general statutes, any violation of this order constitutes  
284 criminal violation of a protective order which is punishable by a term  
285 of imprisonment of not more than [five] ten years, a fine of not more  
286 than [five] ten thousand dollars, or both. Additionally, in accordance  
287 with section 53a-107 of the Connecticut general statutes, entering or  
288 remaining in a building or any other premises in violation of this order  
289 constitutes criminal trespass in the first degree which is punishable by  
290 a term of imprisonment of not more than one year, a fine of not more  
291 than two thousand dollars, or both." If the adverse party is the  
292 defendant in the criminal case, such order shall be made a condition of  
293 the bail or release of the defendant and shall also contain the following  
294 language: "Violation of this order also violates a condition of your bail  
295 or release and may result in raising the amount of bail or revoking  
296 release."

297 Sec. 10. Subsection (c) of section 53a-40e of the general statutes is  
298 repealed and the following is substituted in lieu thereof (*Effective*

299 October 1, 2014):

300 (c) Such standing criminal protective order shall include the  
 301 following notice: "In accordance with section 53a-223a of the  
 302 Connecticut general statutes, violation of this order shall be punishable  
 303 by a term of imprisonment of not less than one year nor more than  
 304 [five] ten years, a fine of not more than [five] ten thousand dollars, or  
 305 both."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	46b-15(b)
Sec. 2	October 1, 2014	46b-15(c)
Sec. 3	from passage	New section
Sec. 4	October 1, 2014	53a-223
Sec. 5	October 1, 2014	53a-223a
Sec. 6	October 1, 2014	53a-223b
Sec. 7	October 1, 2014	46b-38c(e)
Sec. 8	October 1, 2014	54-1k(b)
Sec. 9	October 1, 2014	54-82r(b)
Sec. 10	October 1, 2014	53a-40e(c)

**Statement of Purpose:**

To: (1) Provide increased protections to persons who seek a restraining order under section 46b-15 of the general statutes, (2) establish a task force to study issues relating to the service of such restraining orders by state marshals, and (3) strengthen criminal penalties for the violation of a restraining order or a protective order.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*